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SENATE BILL 3304 By
Carter

HOUSE BILL 3315
By Pinion

r*458/1901,98/1917,212/1917,272/1917,308/1917,239/1925,867/1929,869/1937,550/1931,307/
1941,780/1947,380/1943,79/1947,228/1951,458/1951,202/1953,505/1953,42/1953,391/1955,3
34/1957,290/1961,291/1961,203/1965,49/1971,172/1971,225/1972,288/1976,39/1985,40/1985,
211/1988,71/1989,203/1990,229/1992,244/1992,48/1993,147/1994

AN ACT to repeal Chapter 458 of the Acts of 1901; Chapter 212 of the Private Acts of 1917; Chapter 272 of the Private Acts of 1917; Chapter 98 of the Private Acts of 1917; Chapter 308 of the Private Acts of 1917; Chapter 239 of the Private Acts of 1925; Chapter 867 of the Private Acts of 1929; Chapter 550 of the Private Acts of 1931; Chapter 869 of the Private Acts of 1937; Chapter 307 of the Private Acts of 1941; Chapter 380 of the Private Acts of 1943; Chapter 79 of the Private Acts of 1947; Chapter 780 of the Private Acts of 1947; Chapter 458 of the Private Acts of 1951; Chapter 228 of the Private Acts of 1951; Chapter 42 of the Private Acts of 1953; Chapter 202 of the Private Acts of 1953; Chapter 505 of the Private Acts of 1953; Chapter 391 of the Private Acts of 1955; Chapter 334 of the Private Acts of 1957; Chapter 290 of the Private Acts of 1961; Chapter 291 of the Private Acts of 1961; Chapter 203 of the Private Acts of 1965; Chapter 49 of the Private Acts of 1971; Chapter 172 of the Private Acts of 1971; Chapter 225 of the Private Acts of 1972; Chapter 288 of the Private Acts of 1976; Chapter 40 of the Private Acts of 1985; Chapter 39 of the Private Acts of 1985; Chapter 211 of the Private Acts of 1988; Chapter 71 of the Private Acts of 1989; Chapter 203 of the Private Acts of 1990; Chapter 229 of the Private Acts of 1992; Chapter 244 of the Private Acts of 1992; Chapter 48 of the Private Acts of 1993; and Chapter 147 of the Private Acts of 1994, and any other acts amendatory thereto, being the charter of the City of Milan, and to enact a new charter for the City of Milan.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 458 of the Acts of 1901; Chapter 212 of the Private Acts of 1917; Chapter 272 of the Private Acts of 1917; Chapter 98 of the Private Acts of 1917; Chapter 308 of the Private Acts of 1917; Chapter 239 of the Private Acts of 1925; Chapter 867 of the Private Acts of 1929; Chapter 550 of the Private Acts of 1931; Chapter 869 of the Private Acts of 1937; Chapter 307 of the Private Acts of 1941; Chapter 380 of the Private Acts of 1943; Chapter 79 of the Private Acts of 1947; Chapter 780 of the Private Acts of 1947; Chapter 458 of the Private Acts of 1951; Chapter 228 of the Private Acts of 1951; Chapter 42 of the Private Acts of 1953; Chapter 202 of the Private Acts of 1953; Chapter 505 of the Private Acts of 1953; Chapter 391 of the Private Acts of 1955; Chapter 334 of the Private Acts of 1957; Chapter 290 of the Private Acts of 1961; Chapter 291 of the Private Acts of 1961; Chapter 203 of the Private Acts of 1965; Chapter 49 of the Private Acts of 1971; Chapter 172 of the Private Acts of 1971; Chapter 225 of the Private Acts of 1972; Chapter 288 of the Private Acts of 1976; Chapter 40 of the Private Acts of 1985; Chapter 39 of the Private Acts of 1985; Chapter 211 of the Private Acts of 1988; Chapter 71 of the Private Acts of 1989; Chapter 203 of the Private Acts of 1990; Chapter 229 of the Private Acts of 1992; Chapter 244 of the Private Acts of 1992; Chapter 48 of the Private Acts of 1993; and Chapter 147 of the Private Acts of 1994, and any other acts amendatory thereto, being the charter of the City of Milan, are hereby repealed and Section 2 of this Act shall become the new charter for the City of Milan.

Act Constitutes City Charter

SECTION 2. The City of Milan, Tennessee, shall continue as a body politic and corporate by the name and style of Milan, Tennessee, and this Act shall constitute its complete Charter. The City of Milan shall have perpetual succession, may sue and be sued, plead and be implead, in all the courts of law and equity, and in all actions whatsoever, and shall have and use a common seal and change it at pleasure.

Definitions

SECTION 3. Be it further enacted, That as used in this Charter the following words and terms shall have the following meanings:

(1) "Alderman" shall mean a person elected to the office of Alderman as provided in this Charter.

(2) "Board of Mayor and Aldermen" and "Board" shall mean the legislative body of the City, which shall be composed of the Mayor and eight (8) Aldermen elected as provided in this Charter.

(3) "Elector" shall mean a qualified voter residing within the City and has so resided within the corporate limits for thirty (30) days. Any non-resident who owns property within the city limits worth one thousand or more dollars of assessed value shall also be allowed to vote in city elections.

(4) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization.

(5) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary intention is manifest.

Boundaries

SECTION 4. Be it further enacted, That the boundaries of the City shall be those fixed by Chapter 458 of the Acts of 1901, and any other Acts amendatory thereto, and annexations made pursuant to general law. The precise boundaries shall be kept on record by the City Recorder.

Corporate Powers

SECTION 5. Be it further enacted, That the City shall have power:

(1) To assess property for taxation, and to levy and provide for the collection of taxes on all property subject to taxation.

(2) To make special assessments for local improvements;

(3) To levy and collect privilege taxes on businesses, privileges, occupations, trades, and professions, and to levy and collect any other kind of tax not prohibited to cities by the constitution or general law;

(4) To levy and collect registration fees on motor vehicles and to regulate all matters concerning traffic within the community not specifically addressed by the Tennessee Code Annotated, including, but not limited to, speed limits, parking, stopping and yielding, turning movements and street marking and designation;

(5) To contract and be contracted with;

(6) To appropriate and borrow money, and to authorize the expenditure of money for any municipal purpose;

(7) To issue and give, sell, pledge or in any manner dispose of general obligation bonds, revenue bonds for public works projects, general obligation refunding bonds, revenue refunding bonds, bond anticipation notes, capital notes, grant anticipation notes and tax anticipation notes, all in accordance with Tennessee Code Annotated, Sections 9-21-101, et seq.;

(8) To acquire or receive and hold, maintain, sell, lease, mortgage, pledge or otherwise dispose of property, personal or real, including improvements thereon, easements or limited property rights thereto, and any estate or interest therein, within or without the municipality, for public use, for present or future use by the City, to reserve industrial sites, to provide open spaces, to encourage proper development of the City or for the general welfare of the City;

(9) To condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality for present or future public use;

(10) To grant franchises or make contracts for public utilities and public services, not to exceed a period of twenty-five (25) years. Such franchises and contracts may provide for rates, fares, charges, regulations, and standards and conditions of service, subject to regulation by such state or federal agency having jurisdiction in such matters;

(11) To acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge or otherwise, of public utilities or any estate or interest therein, or any other utility of service to the municipality, its inhabitants, or any part thereto, and issue debt for these purposes under the Local Government Public Obligations Act compiled in Tennessee Code Annotated, Title 9, Chapter 21;

(12) To provide for the acquisition, construction, building, operation, and maintenance of: public ways, parks, public grounds, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment plants, airports, hospitals, waterworks, docks, gas works, marinas, forests, tree and shrub nurseries, heliports, terminals, parking garages and lots, industrial sites and buildings; charitable, educational, recreational, sporting, cultural, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and any other public improvements; inside or outside the City; and to regulate the use thereof; and for such purposes property may be either acquired or taken under applicable laws;

(13) To make regulations to secure the general health of the inhabitants and to prevent, abate, and remove nuisances, including but not limited to old or dilapidated buildings which are so out of repair as to be unsafe, unsanitary or unsightly. The City shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties, and interest, shall be secured by lien upon the property for which the expenditure is made;

(14) To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) To provide for the collection and disposal of garbage, rubbish or refuse; or license and regulate their collection and disposal. The cost of collection, regulation or disposal may be funded by taxation, special assessments to the property owner, user fees or other charges and shall be collectible in the same manner as taxes or other debts;

(16) To define, regulate, and prohibit any act, practice, conduct, business, occupations or use of property, that would be detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of inhabitants of the City, and exercise general police powers;

(17) To establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing, and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the City, and to provide for the enforcement of such standards;

(18) To regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide for the impoundment of same in violation of any ordinance lawful order, and to provide for their disposition by sale, gift, or humane killing when not redeemed as provided by ordinance;

(19) To regulate and license vehicles operated for hire in the City, to limit the number of such vehicles, to license the operators thereof, to require public liability insurance on such vehicles, and to regulate and rent parking spaces in public ways for the use of such vehicles;

(20) To provide that the violation of any ordinance, rule, regulation, or order shall be punishable by fine, penalty, or forfeiture up to the limits prescribed by the general laws of the State of Tennessee;

(21) To plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans;

(22) Establish codes containing specifications of minimum standards for building, electric, fire safety, gas and plumbing of all structures, commercial or residential, within the community;

(23) Establish and regulate a municipal court in accordance with the general laws of the State of Tennessee;

(24) Regulate the sale of beer within the municipality in accordance with the general laws of the State of Tennessee. These powers shall include but not be limited to the establishment and operation of a beer board, the issuance of permits and setting of standards for applicants of the permits, location of retailers and physical standards for such locations, the establishment of classes of permits according to whether beer is sold for on or off premises consumption, limitation on the number of permits to be issued and the authority to suspend, revoke or fine permit holders for the violation of such regulating ordinances;

(25) Regulate the operation of peddlers, solicitors and yard sales within the community. These powers shall include but not be limited to the authority to issue permits and require such for such activities, limit the hours and locations of the activities, including limiting the amount of time "going out of business" sales may be continued;

(26) Prohibit offenses against the peace and dignity of the municipality including, but not limited to, disturbing the peace through loud and boisterous conduct, blowing of horns except as a warning or in case of emergencies, extraordinarily loud playing of radios or other apparatus for the replication of sound and limits on excessive noises near churches, schools or hospitals;

(27) Prohibit interference with public operations or personnel including, but not limited to, the impersonation of government officials and employees and the turning in of false emergency alarms for either fire, police, medical aid or public works;

(28) Prohibit the discharge of air rifles or pistols, "BB" guns, slingshots and firearms within the municipality;

(29) Prohibit the abandoning of any refrigerator, freezer, cave, well or cistern in an unsecured manner in any location accessible to children;

(30) Regulate the posting or erection of any sign, leaflet or other notice;

(31) Regulate the uses of land in accordance with the general laws of the State of Tennessee;

(32) Regulate the location, size, individual lot size, water and electrical supply, sewage and garbage disposal, streets and parking areas, and require permits and permit fees of mobile home parks within the municipality;

(33) Regulate the disposal of refuse within the city. These powers shall include but not be limited to the size and location of containers for such disposal, dates and times of refuse pick up, designation of authorized sites of disposal and prohibition against disposal at unauthorized sites and the setting of fees for the disposal;

(34) Regulate the use of water within the municipality, if such service is offered by the municipality. The powers shall include but not be limited to the requirement of an application for service, the establishment of temporary service charges and connection fees, extension of water and sewer services, use of meters, requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services;

(35) Regulate the use of sewers and the discharge of wastewater within the community, if such service is offered by the municipality, pursuant to the laws of the State of Tennessee and the United States. The powers shall include but not be limited to the establishment of permits, fees and billing procedures, requirement of connection to public sewers if such service is offered, regulations and specifications for private domestic wastewater disposal if public sewer service is unavailable, industrial monitoring and inspection, rules on the content and amount of discharge and enforcement and abatement of cases of violations of such provisions;

(36) Regulate the use of natural gas if such service is offered by the municipality. The powers shall include but not be limited to the establishment of temporary service charges and connection fees, extension of services, use of meters, requirements for

billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates for services;

(37) Provide for penalties to be assessed for violation of any ordinance promulgated as a result of this Act;

(38) To establish and regulate a police department, fire department and such other departments that may be necessary to the operation of the city;

(39) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within the corporate limits, assess fees for the use of or impact upon such property and facilities, and take the appropriate property therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107 - 7-31-111 and 29-16-114, or any other manner provided by general law;

(40) Construct, improve, reconstruct and reimprove by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(41) Assess against abutting property within the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removing, abolishing and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the board;

(42) To exercise and have all other powers, functions, rights, privileges, and immunities granted by general laws or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the City and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general laws of the State.

City Hospital

SECTION 6. Be it further enacted, That:

(1) The City of Milan is hereby authorized to acquire, construct, purchase, lease or obtain by gift or otherwise a hospital for the city, including the site, equipment, and all appurtenant facilities, with the primary facility to be situated within the corporate limits of the city, and any other hospital facilities outside the corporate limits as deemed necessary and appropriate by the Board of Mayor and Aldermen. Any contract, lease or agreement entered into by the City of Milan in connection with such acquisition, construction, purchase, or lease may provide for the payments of such installments, rentals or other payments by the city and may provide for such other terms as may be determined by the Board of Mayor and Aldermen. For the purpose of providing funds for the payment of any such installments or rentals, and any other payments required by any contract, lease or agreement, and the costs of operating and maintaining such hospital(s), the Board of Mayor and Aldermen is authorized to levy in each year taxes on all taxable property in the city which shall be sufficient for such purpose. The levy of taxes shall be in addition to all other taxes which may be levied by the city, and shall be without limitation as to rate or amount. In operating the hospital(s), the City of Milan is hereby authorized to operate and maintain in connection with its provision of medical

services, a home health care agency, rural primary care center(s) outside the municipal boundaries, sub-acute care, skilled or intermediate nursing care, either within the hospital(s) or in free-standing facilities, including all equipment necessary to permit the hospital(s) to provide the full spectrum of current and future medical and nursing care for the citizens of Milan, Gibson County and adjacent service areas. In recognition of the hospital's traditional mission of providing educational and preventive medical services, the facilities of the hospital(s), together with those facilities housing the hospital's outreach programs, are specifically dedicated to the mission of medical and health care education, and the delivery of preventive medical services and the goal of providing for the health and well-being of the citizens of Milan, Gibson County and adjacent service areas;

(2) The Board of Mayor and Aldermen is authorized to operate the hospital through a Board of seven trustees to be appointed by the Board of Mayor and Aldermen. The term of office of each of the trustees shall be seven (7) years;

(3) Such trustees shall serve without pay, provided that they may be reimbursed for their reasonable expenses incurred as a result of such office;

(4) There shall be two (2) additional members appointed on a yearly basis to serve a term of one (1) year. One (1) of the additional members shall be a member of the medical staff and shall be recommended by the Hospital Board of Trustees and confirmed by the Mayor and Board of Aldermen at its regular meeting on the second Tuesday in January each year, and the member's term of office shall begin on such date. The other member shall be a representative of the City Board, appointed by the Mayor at the regular meeting of the Board on the second Tuesday in January each year, and the member's term of office shall begin on such date.

(5) Any vacancy occurring on the Board of Trustees shall be filled by the Board of Mayor and Aldermen electing a successor to fill the unexpired term at any regular or special meeting;

(6) In operating the hospital(s) and any facilities/services enumerated above, the City of Milan is hereby authorized to operate and maintain in connection therewith laboratories, x-ray departments, a pharmacy or pharmacies to compound and dispense medicines for the use of the hospital(s) and any facilities/services enumerated above, inpatients, outpatients, and other departments and functions, usual and customary, for a general hospital and the facilities/services enumerated above;

(7) The Trustees of the hospital are authorized to operate such hospital or hospitals under the Rules and Regulations promulgated by the Board of Mayor and Aldermen of Milan, Tennessee, the laws of the State of Tennessee, and Rules and Regulations of the Department of Public Health of the State of Tennessee.

Municipal Elections, Start of Term and Oath of Office

SECTION 7. The Board of Mayor and Aldermen shall consist of a Mayor, who shall serve a four (4) year term, and eight (8) Aldermen, who shall also serve four (4) year terms. The Mayor shall be elected at large. Two (2) Aldermen shall be elected from each of the four (4) wards of the city and Aldermen shall be elected to staggered terms. The recorder shall keep a map of the city showing the boundaries of each ward. Each Alderman shall be a resident of the ward from which he/she is elected. If an Alderman moves from the ward, his/her position shall become vacant and the vacancy filled as provided for in this charter. The candidate for Mayor receiving the highest number of votes shall be declared elected and the four candidates receiving the highest number of votes for alderman shall be declared elected. In case a candidate for Mayor or for an aldermanic position does not receive a majority fifty percent (50%) of the vote for a position, the city shall conduct, within forty-five (45) days of the regular election, a run-off election between the two candidates that received the greatest number of votes cast.

The election date for the offices of Mayor and Aldermen shall be on the first Tuesday following the first Monday of November of each succeeding year for the offices, which shall be vacated the following January 1st. The terms of office for the Mayor and Aldermen shall begin on January 1st following their election. The Mayor and Aldermen elected in the election of 1995

shall henceforth hold office until the election of 1998 and their successors are elected and qualified. Aldermen elected in the regular election of November 1996 shall hold office until their successors are elected and qualified after the election of November, 2000.

Before a person takes any office in the City government, he/she shall subscribe to the following oath or affirmation, administered before any officer authorized to administer oaths: "I solemnly swear (or affirm) that I will support the Constitution of the State of Tennessee and the United States and that I will faithfully discharge the duties of the office of _____."

Oaths of office shall be signed by the officeholder and filed in the archives of the municipality.

Any qualified elector who has been a resident of the City for at least one (1) year may be qualified as a candidate for Mayor or Alderman.

Restrictions on Candidates

SECTION 8. Be it further enacted, That giving or promising to any person or persons any office, employment, money, benefit, or anything of value, by or on behalf of any candidate, shall be deemed to be a misdemeanor, and any person convicted thereof shall be ineligible to hold an office or position of employment in the City government for a period of five (5) years.

Board of Mayor and Aldermen

SECTION 9. Be it further enacted, That:

(1) The Mayor and eight Aldermen elected under this Charter shall compose the Board of Mayor and Aldermen, in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in this Charter.

(2) The compensation of the Mayor and Aldermen shall be set by ordinance, but the salary of the Mayor or any Alderman shall not be changed during their term of office. The Mayor, Aldermen, City Attorney, Assistant City Attorney, City Judge and City Accountant may be reimbursed for actual and necessary expenses incurred in the conduct of their official duties. Pursuant to Tennessee Code Annotated, Title 8, Chapter 27, Part 6, the City of Milan is hereby authorized to bear the expense of group life, hospitalization, disability, or medical insurance for officers and employees of the city,

including but not limited to the mayor and board of aldermen, up to an amount equaling one hundred percent (100%) of the cost of such program.

(3) The Board of Mayor and Aldermen shall meet regularly at least once every month at the times and places prescribed by ordinance. The Board shall meet in special session on written notice of the Mayor or any four (4) Aldermen and served on the other members of the Board or as agreed upon by a duly adopted motion at a regular or special meeting. Only the business stated in the written call or stated at the meeting when the special meeting is called may be transacted at a special meeting.

(4) A majority of the Board of Mayor and Aldermen, excluding any vacancies, shall constitute a quorum. The ayes and nays of all votes on ordinances and resolutions shall be recorded in the journal. The Board may by ordinance adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. The Board may subpoena and examine witnesses and order the production of books and papers.

Mayor as Presiding Officer

SECTION 10. Be it further enacted, That the Mayor shall preside at meetings of the Board. He shall have a vote only in the event of a tie, then he shall cast the vote breaking such tie. He shall be recognized as the ceremonial head of the City. He shall be the officer to accept process against the City, and shall perform other duties imposed by this Charter and by ordinances not inconsistent with this charter.

Vice-Mayor

SECTION 11. Be it further enacted, That there shall be a Vice-Mayor who shall be selected at the first meeting in January each year. The Vice-Mayor shall be selected by the Mayor and confirmed by the Board. The Vice-Mayor shall be on the Board. His compensation shall be fifty dollars (\$50.00) more than the compensation of other members of the Board. The term of office of the Vice-Mayor shall be for a period of one (1) year. The Vice-Mayor shall perform the duties of the Mayor during his temporary absence or inability to act. In case of a

vacancy in the office of Mayor, the Vice-Mayor shall fill out the unexpired term. If the Vice-Mayor is filling out a term in the office of Mayor, his position as an Alderman shall become vacant and the Board shall fill the vacancy as provided in Section 12. The Board shall select another of their number to fill out the unexpired term of the Vice-Mayor.

Treasurer

SECTION 12. Be it further enacted, That there shall be a Treasurer who shall be selected at the first meeting in January each year. The Treasurer shall be selected by the Mayor and shall be confirmed by the Board and be a member of the Board. His compensation shall be fifty dollars (\$50.00) more than the compensation of other members of the Board. The term of office of the Treasurer shall be for a period of one (1) year.

Vacancy on Board

SECTION 13. Be it further enacted, That the Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his residence from the City, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date on which a vacancy was declared, appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

Restrictions on Aldermen

SECTION 14. Be it further enacted, That the Aldermen shall act on all matters as a body, and no member shall seek individually to influence the official acts of any officer or employee of the City, or to direct or request the appointment of any person to, or his removal from, any office or position of employment, or to interfere in any way with the performance of duties by any officer or employee. Nothing herein contained shall prevent the Board from

conducting such inquires into the operation of the City government and the conduct of the City's affairs as it may deem necessary.

Ordinances

SECTION 15. Be it further enacted, That any action of the Board having a regulatory or penal effect, awarding franchises, or required to be done by ordinance under this Charter or the general laws of the State, shall be done only by ordinance. Other actions may be accomplished by resolutions or motions. Ordinances and resolutions shall be in written form before being introduced. The enacting clause of ordinances shall be "Be it ordained by the Board of Mayor and Aldermen of the City of Milan:". Every ordinance must be approved on two (2) readings and there shall be no more than one (1) reading on any one (1) day. A majority of the Board of Mayor and Aldermen shall vote in favor of an ordinance or it shall be deemed as failed. An ordinance may receive first reading upon its introduction. Ordinances shall take effect upon final reading, adoption and being signed by the Mayor, and after the ordinance or its caption has been published in a newspaper of general circulation in the municipality as required by Tennessee Code Annotated, Section 6-2-101.

All duly enacted ordinances and this charter shall be compiled in a well bound volume(s) to be known as the "Milan Municipal Code".

Organization of City Government

SECTION 16. Be it further enacted, That the City government shall be organized into such departments and offices as shall be provided by ordinance. The Board shall determine by ordinance the functions and duties of all departments and offices. The Board may establish, abolish, merge, or consolidate offices, positions of employment and departments; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment and departments.

Administrative Duties of Mayor

SECTION 17. Be it further enacted, That the Mayor shall be the chief executive officer of the City. He:

- (1) Shall preside at meetings of the Board;
- (2) Shall have access to all of the books, records, offices and papers of every kind pertaining to the City's business;
- (3) Shall present in writing or verbally to the Board his recommendations on the needs of the City;
- (4) Shall make temporary appointments to the offices of Recorder, City Attorney, Assistant City Attorney, Judge or City Accountant in cases of sickness, absence or other temporary disability. Temporary appointments shall be effective until such time as they are confirmed or rejected by the Board;
- (5) Shall make appointments to boards and commissions as authorized by law;
- (6) Shall take all proper measures for the preservation of public order and preservation of the peace, and may call upon the Governor for aid;
- (7) Shall sign all checks and drafts drawn upon the Treasury by the Recorder;
- (8) Shall sign all contracts authorized by the Board to which the City is a party;
- (9) Shall, at the first meeting in January, appoint a Vice-Mayor, City Recorder, Treasurer, City Attorney, Assistant City Attorney, City Judge, City Accountant and the heads of each department of the city.

City Recorder

SECTION 18. Be it further enacted, That the Mayor, with the approval of the Board, shall appoint a City Recorder.

The Recorder shall keep and preserve the City seal and all official records not required by law or ordinance to be filed elsewhere; to attend all meetings of the Board and to maintain a journal showing the proceedings of all such meetings, the Aldermen present and absent, each motion considered, the title of each resolution and ordinance considered and the vote on each question; and to prepare and certify copies of official records. The Recorder shall maintain the

Milan Municipal Code in a current and usable manner and shall furnish the Mayor and each Alderman with a copy of the code upon assuming office for use during his term in office.

The Recorder shall provide, copy and, when required by any officer or person, certify copies of records, papers and documents in his/her office.

The Recorder shall act as Tax Collector and issue receipts for taxes collected and enter on the tax books the payment of taxes on the date on which they are collected.

City Attorney

SECTION 19. Be it further enacted, That the Mayor, with the approval of the Board, shall appoint a City Attorney.

The City Attorney shall be responsible for advising the Board and officers and employees concerning legal aspects of their duties and responsibilities; approving as to form and legality of all contracts, deeds, bonds, ordinances, resolutions, motions, and other official documents; and performing such other duties as may be prescribed by the Board.

Assistant City Attorney

SECTION 20. Be it further enacted, That the Mayor, with the approval of the Board, shall appoint an Assistant City Attorney.

The Assistant City Attorney shall be responsible for advising and attending meetings of the Milan Planning Commission and the Board of Zoning Appeals; assisting the City Attorney in the performance of his/her duties; performing the duties of the City Attorney in his/her absence; and performing such other duties as may be prescribed by the Board.

City Judge

SECTION 21. Be it further enacted, That a City Judge shall be appointed by the Mayor, with the approval of the Board. The Judge shall not be less than twenty-five (25) years of age. A person designated by the Board shall serve in the absence or incapacity of the judge. The term of office shall be one (1) year.

The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City, and costs in such trials shall be fixed by ordinance. The City Judge shall

have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power which the court of general sessions has to fine for contempt. Penalties shall not exceed five hundred dollars (\$500) in amount. The sole compensation for serving as City Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the City and shall be paid into the City treasury.

The bail of persons arrested and awaiting trial and persons appealing a decision of the City Judge shall be fixed by the City Judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers and employees other than the judge as provided by ordinance; the ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate: the original to the depositor, duplicate and money to the Recorder, and triplicate to the City Judge within twenty-four (24) hours after the arrest.

Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. Upon willful failure to pay fines and costs or to furnish security, the City Judge shall commit the offender to the appropriate facility for incarceration until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of sixty (60) days. Receipts of the City court shall be deposited with the Recorder and the City Judge shall make monthly reports thereof to the Board. The City Judge shall keep a docket of all cases handled by him.

The City Judge shall be the exclusive judge of the law and the facts in every case before him, and no officer or employee of the City shall attempt to influence his decision except through pertinent facts presented in open court.

City Accountant

SECTION 22. Be it further enacted, That the Mayor shall appoint a City Accountant and this appointment shall be approved by the Board.

The City Accountant must be a CPA. The City Accountant shall be responsible for advising the Mayor, City Recorder and the Board concerning matters of finance and accounting.

Officers and Employees

SECTION 23. Be it further enacted, That only the offices and positions of employment provided for in the annual budget, as approved by the Board, shall be filled unless an emergency that demands the immediate filling of a position arises. In determining salaries, due consideration shall be given to duties, responsibilities, technical knowledge and skill required to satisfactorily perform the work, and availability of persons having the qualifications desired.

Personnel Rules

SECTION 24. Be it further enacted, That the Board may adopt personnel rules and regulations governing employment by the City, not inconsistent with the provisions of this charter. The regulations may be amended at the sole discretion of the Board.

Bonds

SECTION 25. Be it further enacted, That the Recorder, Treasurer and other officers and employees designated by the Board, shall give a fidelity bond or faithful performance bond, as determined by the Board with some surety company authorized to do business in the State of Tennessee, in an amount prescribed by the Board. All bonds and sureties thereto shall be subject to approval by the Board, and the cost of such bonds shall be paid by the City.

Political Activity

SECTION 26. Be it further enacted, That no full-time employee of the City shall continue in the employment of the City after becoming a candidate for nomination or election to any City office, however, this provision shall not apply to the Mayor, Aldermen, members of boards or commissions, the City Attorney or the City Judge. No person shall directly or indirectly give, render or pay any money, service or other valuable consideration to any person for, or on account of, or in connection with employment by the City government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any employee of the City in connection with any City election.

Any person who, by himself or with others, willfully or corruptly violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof he shall immediately forfeit and vacate the office or position he holds and be ineligible to hold any office or position of employment in the City government for a period of five (5) years thereafter.

Prohibited Acts

SECTION 27. Be it further enacted, That no officer or employee shall accept any free or preferred service, benefits or concessions from any person, company or firm regulated by or doing business with the City.

Fiscal Year

SECTION 28. Be it further enacted, That the fiscal year of the City government shall begin on the 1st day of July and shall end on the 30th day of June of the succeeding year.

Annual Budget

SECTION 29. Be it further enacted, That prior to the beginning of each fiscal year the Mayor shall submit to the Board a proposed budget for the next fiscal year including at least the following information:

(1) Estimates of proposed expenditures for each department, board, office or other agency of the municipality, showing in addition, the expenditures for corresponding items for the last preceding fiscal year, projected expenditures for the current fiscal year and reasons for recommended departures from the current appropriation pattern in such detail as may be prescribed by the governing body;

(2) Estimates of anticipated revenues for the municipality from all sources, including current and delinquent taxes, nontax revenues and proceeds from the sale of any bonds on long-term notes with a comparative statement of the amounts received by the municipality from each of the sources for the last preceding fiscal year, the current fiscal year, and the coming fiscal year in such detail as may be prescribed by the governing body.

Public Hearing on Budget

SECTION 30. Be it further enacted, That after receiving the proposed budget, the Board shall fix a time and place for a public hearing thereon. A notice of the hearing shall be published one time in a newspaper having general circulation in the City. The publication shall appear at least ten (10) days in advance of the date of the hearing.

Adoption of Budget

SECTION 31. Be it further enacted, That after the public hearing the Board shall adopt the budget with such modifications as the Board considers necessary or desirable. If emergency conditions prevent the adoption of a budget before the beginning of the new fiscal year, the appropriations of the last fiscal year shall become the appropriations for the new fiscal year. Amendments may be made to the original budget at any time during a current fiscal year in the same manner as any other ordinance may be amended. However, the Board by resolution may transfer moneys from one (1) appropriation to another within the same fund.

Control of Expenditures

SECTION 32. Be it further enacted, That the Board shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations without the approval of the Board.

Unauthorized Contract or Expenditure

SECTION 33. Be it further enacted, That any contract or agreement made in violation of the provisions of this Charter or ordinances of the City shall be void and no expenditure shall be made thereunder. Every officer and employee who shall knowingly make or participate in any contract or agreement, or authorize or make any expenditure thereunder, and their sureties on their official bonds, and every person who shall knowingly receive such a payment, shall be jointly and severally liable to the City for the full amount paid or received. A violation of this section by any officer or employee shall be cause for his removal.

Sale of Property

SECTION 34. Be it further enacted, That the Mayor may sell City property which is obsolete, surplus or unusable; provided, however, that any sale for more than five hundred dollars (\$500) or any sale of real estate shall be subject to approval by the Board.

Property Taxes

SECTION 35. Be it further enacted, That all property subject to taxation shall be subject to the property tax levied by the City pursuant to the general laws of the State of Tennessee.

Omitted Property

SECTION 36. Be it further enacted, That the City Recorder shall add to the assessment rolls any taxable property that may have been omitted by the county assessor. Such property shall be appraised and assessed at the same ratio as other property of the same class located in the City.

Tax Levy

SECTION 37. Be it further enacted, That the Board shall make a tax levy, expressed as a fixed rate per one hundred dollars (\$100) of assessed valuation. The levy shall be made in a manner pursuant to the general laws of the State of Tennessee.

Tax Due Dates and Tax Bills

SECTION 38. Be it further enacted, That the due dates of property taxes and method of payment of such taxes shall be fixed by ordinance. The City shall send tax bills to taxpayers, showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquent dates and tax, penalty, or interest thereon. Property taxes which become delinquent shall be subject to penalty and interest which shall be fixed by ordinance. On and after the date when such taxes become delinquent, the tax records of the City shall have the force and effect of a judgment of a court of record.

Collection of Delinquent Taxes

SECTION 39. Be it further enacted, That the Board may provide by ordinance for the collection of delinquent taxes by distress warrants issued by the Mayor for the sale of goods and chattels to be executed by any police officer of the City under the laws governing execution

of such process; or by the county trustee as provided by general law; or by the City Attorney acting in accordance with general laws providing for the collection of delinquent City or: county taxes; by garnishment; by suits in chancery; or by any two (2) or more of the foregoing methods or by the use of any other available legal processes and remedies.

Taxes Not To Be Excused

SECTION 40. Be it further enacted, That no officer or employee of the City shall have the authority to excuse taxes, penalties, interest, special assessments, or other charges due the City, but errors may be corrected when authorized by the county property assessor.

Disbursement by Check

SECTION 41. Be it further enacted, That all disbursements, except for any agency of the City administered by a board or commission, shall be made by checks signed by the City Treasurer, Mayor or Vice-Mayor. The Board may designate other officers to sign the checks in the absence or disability of the Mayor.

Official Depository

SECTION 42. Be it further enacted, That the Board shall designate an official depository or depositories for deposit and safekeeping of funds of the City, with such collateral security as may be deemed necessary by the Board.

Cooperative Agreements and Contracts

SECTION 43. Be it further enacted, That in addition to other powers granted in this charter, the Board shall have power to contract and cooperate with any other municipality or other political subdivision of the State, or with an elective or appointive official thereof, or with any duly authorized agency of the federal or State government, for the exercise of any power or function which the City is authorized to undertake by this charter.

Other General Laws

SECTION 44. Be it further enacted, That notwithstanding any provision of this charter, the Board may elect to operate under or adopt any general law or public act available to municipalities of the State, in lieu of or in addition to provisions of this charter.

Penalties

SECTION 45. Be it further enacted, That the violation of any provision of this Charter, for which a penalty is not specifically provided herein, is hereby declared to be a misdemeanor, and persons guilty of such violations may be fined.

Ordinances to Continue in Effect

SECTION 46. Be it further enacted, That all ordinances and bylaws of the City of Milan not inconsistent with this Act shall remain in effect until modified or repealed in accordance with the provisions of this Act.

Severability

SECTION 47. Be it further enacted, that if any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Applicability

SECTION 48. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Milan. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Milan and certified to the secretary of state.

Effective Date

SECTION 49. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 48.